

2000P07678US01
60,426-322REMARKSSpecification

The Examiner objected to the specification due to the use of language "comprises" in the Abstract. Applicant has amended the Abstract to replace "comprises" with "has." Accordingly, Applicant believes this objection has been overcome.

In addition, the Examiner objected to the subscript located at the bottom of page 14. Applicant has deleted the subscript as suggested by the Examiner. Accordingly, this concern has been addressed.

The Examiner further suggested a change in title from "Effortless Entry System" to "Effortless Entry System and Method." Applicant has changed the title as suggested by the Examiner. Accordingly, this concern has been addressed.

Claim Objections

The Examiner further objected to claim 2 as being improperly dependent. Applicant has amended claim 2 to depend upon claim 1. Thus, this objection has been overcome.

Claim Rejections - 35 U.S.C. §102

In the Non-Final Office Action mailed October 27, 2003, the Examiner reviewed claims 1-20. The Examiner allowed claim 20 and rejected claims 1-19 under 35 U.S.C. §102(e) as being anticipated by *Joseph David King* (U.S. 6,236,333, hereinafter *King*). Applicant disagrees with the basis for this rejection and believes all claims to be in condition for allowance. The sensors of *King* are "magnetic field sensors, 30A-E," not capacitive sensors. [Column 2, ll 37-40]. They do not generate an electric field for sensing objects but

2000P07678US01
60,426-322

instead measure the magnetic flux density of permanent magnet 24 of key fob 22. Therefore, claim 1 and its dependents, claims 2-9, are in condition for allowance.

In addition, claim 5 requires "said object is at least a portion of a person." The magnetic field sensors 30A-E of *King* sense permanent magnet 24 in key fob 22. They do not sense a part of a person as the key fob is a separate and distinct object from the person. Therefore, claim 5 is allowable over the cited reference for this additional reason.

Claim 8 requires "a sensor in communication with said control unit, said sensor for detecting movement of said latch." The Examiner apparently contends that sensors 30A-E serve to detect movement of the latch of *King*. However, nothing within the section of the specification cited by the Examiner supports this conclusion. Indeed, sensors 30A-E do not detect movement of the latch but instead detect movement of the key fob 22. Therefore, claim 8 and its dependent, claim 9, are in condition for allowance.

Claim 9 further requires that the same sensor used to detect movement of the latch be an infrared sensor. There is no teaching within *King* of such a sensor. Therefore, claim 9 is in condition for allowance for this additional reason.

The Examiner further rejected claims 10-19 for much the same reason as the rejection of claims 1-9. Applicant believes these claims to be in condition for allowance for the same reasons set forth with respect to claims 1-9. In particular, with respect to claim 10 upon which claims 11-19 depend, there is no teaching within *King* of a capacitive sensor for generating an electric field. Therefore, claim 10 and its dependents are in condition for allowance.

Claim 21 describes the capacitive sensor in detail requiring that the capacitive sensor comprises "a first surface, a second surface and a third surface, said

2000P07678US01
60,426-322

first surface having a first voltage about the same as the second voltage on said second surface, said third surface having a third voltage lower than said first surface." Certainly, this limitation is not taught by *King*. Therefore, claim 21 is in condition for allowance.

New claim 22 depends upon claim 21 and further requires "said second surface is spaced between said first surface and said third surface." This feature is not shown by the cited reference. Accordingly, claim 22 is in condition for allowance for this additional reason.

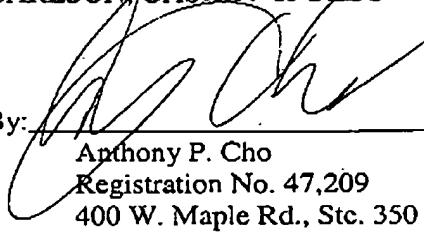
Finally, new claim 23 depends upon claim 1 and requires "wherin said capacitive sensor is oriented to direct the electric field away from said lot." There is no showing of any electric field sensor in *King*. Certainly, there is no showing of electric field sensor directing an electric field away from the lock. Therefore, claim 23 is in condition for allowance for this additional reason.

Applicant accordingly requests allowance of claims 1-23.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: 

Anthony P. Cho
Registration No. 47,209
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: January 7, 2004

01/07/2004 WED 13:15 FAX 12489888363 Carlson, Gaskey & Olds

012/012

2000P07678US01
60,426-322

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9306) on January 7, 2004.


Theresa M. Palmateer

N:\Clients\SIEMENS\IP00322\PATENT\Amendment 1-04.doc